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In re Application of
Koji Tomioka
Application No. 10/058,264
Filed: January 29, 2002
Attorney Docket No.: **NEC01P260-HYa**

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ON PETITION

This is a decision on the petition filed June 2, 2008, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on October 15, 2007, for failure to timely submit a timely response to the Restriction Requirement mailed September 11, 2007, which set the longer of one month or thirty days for reply. Accordingly, a Notice of Abandonment was mailed April 3, 2008.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response and a post card receipt date stamped October 10, 2007 by the USPTO.

A search of the application file and the USPTO records reveals that in fact, a response was received October 10, 2007. Accordingly, the Notice of Abandonment mailed April 3, 2007 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 2155 for appropriate action on the amendment filed October 10, 2007.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions